



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Department of Ecology

A.O. # 02-05

☒ Original Notice

- ☒ Preproposal Statement of Inquiry was filed as WSR 02-07-097 ; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

☐ Supplemental Notice

to WSR _____

☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) Chapter 173-434 WAC, Solid Waste Incinerator Facilities

Purpose: The purpose of the proposed rule change is to incorporate new federal language, change existing definitions, and provide alternative means of compliance.

Other identifying information: not applicable

(b) Statutory authority for adoption: RCW 70.94.331 "*Powers and Duties of the Department*" and RCW 70.94.510 "*Policy to cooperate with the federal government*".

Statute being implemented: not applicable

(c) Summary: The amendment would make 40 CFR 60, subpart Eb, an alternative means of compliance. Redundant sections would be removed. Editorial changes would be included. Creosote treated wood would be removed from the definition of "solid waste."

Reasons supporting proposal: The amendments would provide facilities the option of an alternative regulatory scheme based on EPA's most stringent incinerator rule, which is also more protective of the environment than chapter 434. Properly regulated incineration of creosote treated wood has net environmental benefits.

(d) Name of Agency Personnel Responsible for:

Office Location

Telephone

1. Drafting.....Steve Cross

Lacey, WA

360-407-6875

2. Implementation.... Steve Cross

Lacey, WA

360-407-6875

3. Enforcement..... Mary Burg

Lacey, WA

360-407-6880

(e) Name of proponent (person or organization): City of Tacoma

☐ Private

☐ Public

☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters: not applicable

(g) Is rule necessary because of:

Federal Law?

☐ Yes

☒ No

If yes, ATTACH COPY OF TEXT

Federal Court Decision?

☐ Yes

☒ No

Citation:

State Court Decision?

☐ Yes

☒ No

(h) HEARING LOCATION:

Tacoma-Pierce County Health Department
3629 South D Street
Tacoma WA
(near 37th St. & Pacific Ave.)

Date: 2003 July 22

Time: 7:00pm (A State Implementation Plan hearing will be held immediately following the rule hearing.).

Assistance for persons with disabilities: Contact Bari Schreiner by 2003 July 21 at (360) 407-6998 or 711 (TTY) or 1-800-833-8973 (TTY)

Submit written comments to:

Steve Cross, Wash. Dept. Ecology
POB 47600
Olympia, WA 98504
FAX (360) 407-7534
rulescomments@ecy.wa.gov
Received by 2003 July 29

DATE OF INTENDED ADOPTION: 2003 August 15

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 13 2003

TIME 3:40 PM
WSR 03-13-077

NAME (TYPE OR PRINT)

Linda Hoffman

SIGNATURE

TITLE

Deputy Director

DATE

6/12/03

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

Purpose: The purpose of the proposed rule change is to incorporate new federal language, change existing definitions, and provide alternative means of compliance.

Summary: Creosote treated wood would be removed from the definition of "solid waste." The amendment would make 40 CFR 60, subpart Eb, an alternative means of compliance. Redundant sections would be removed. Editorial changes would be included.

The rule would provide the Tacoma Steam Plant an environmentally preferable regulatory scheme that would allow it to apply to reinstate its operational status. The rule would allow facilities such as Kimberly-Clark, Everett, to incinerate railroad ties under regulations other than chapter 434. The rule would allow cement plants, such as Ash Grove, Seattle, to engage in certain historic practices while being permitted under regulations other than chapter 434.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

Summary: The amendments to WAC 173-434-110 would make 40 CFR 60, subpart Eb, an alternative means of compliance to WAC 173-434-090, -130, -160, -170, -190, and -200. Redundant sections would be removed, namely WAC 173-434-050, -070, -100, and -120. Editorial changes would be included in all sections. Creosote treated wood would be removed from the definition of "solid waste" in WAC 173-434-030. Tires and certain raw materials at cement plants would be removed from the definition of "solid waste" in WAC 173-434-030.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.
A copy of the statement may be obtained by writing to:

telephoning: ()
faxing: ()

☒ No. Explain why no statement was prepared

The businesses that might be affected by this proposed change are not small businesses.

(l) Does RCW 34.05.328 apply to this rule adoption? ☒ Yes ☐ No

Please explain: Ecology plans on making the determination required in RCW 34.05.328. A preliminary draft of the cost/benefit analysis is available on request.